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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,711	05/24/2004	Roman Smolgovsky	60351.00009	3710

30256 7590 03/21/2008  
SQUIRE, SANDERS & DEMPSEY L.L.P  
PATENT DEPARTMENT  
ONE MARITIME PLAZA, SUITE 300  
SAN FRANCISCO, CA 94111-3492

EXAMINER
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GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2628

MAIL DATE	DELIVERY MODE
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03/21/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/709,711	<b>Applicant(s)</b> SMOLGOVSKY ET AL.	
	<b>Examiner</b> M GOOD JOHNSON	<b>Art Unit</b> 2628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 May 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 recites the limitation "for each layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

4. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4-13, 15, 17-19, 22-31, and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Singh et al., U.S. Patent Number 2002/0091758 A1.

Regarding claim 1, Singh discloses a web-based method for generating an image of moving and static objects in positional relationship to other objects, comprising: for each layer of a plurality of layers getting at least one object from a data provider (paragraph 0051); rendering an image using the at least one object (paragraph 0057); and coordinating the rendered images to form a final image (paragraph 0057);

wherein each layer of the plurality of layers is independent of each other (paragraph 0072)

Regarding claim 4, Singh discloses wherein each layer of the plurality of layers is associated with a separate data provider (data sets 116, paragraphs 0071-0072)

Regarding claim 5, Singh discloses further comprising: calculating a boundary for a base layer of the plurality of layers, the base layer including a map layer; and wherein the getting for each of the other plurality of layers gets objects within the boundary (paragraph 0072-0074)

Regarding claim 6, Singh discloses wherein the getting is subject to permissions of a user (paragraph 0011)

Regarding claim 7, Singh discloses wherein the permissions include security permissions (paragraph 0076), license permissions, and local permissions (paragraph 0011)

Regarding claim 8, Singh discloses further comprising displaying the final image (paragraph 0074)

Regarding claims 9 and 10, Singh discloses wherein each of the layers independently refreshes itself and wherein the refreshing of one layer does not influence other layers (paragraph 0043)

Regarding claim 11, Singh discloses wherein each of the layers can be independently turned on or off (paragraph 0103)

Regarding claim 12, Singh discloses wherein each of the layers determines if it needs to be redrawn (paragraph 0053)

Regarding claim 13, Singh discloses wherein the rendering can be performed on both a client and on a server (paragraphs 0056-0057)

Regarding claim 15, Singh discloses wherein each object has a tag associated with the object (paragraph 0094-0095)

Regarding claim 17, Singh discloses a web-based system for generating an image of moving and static objects in positional relationship to other objects, comprising: for each layer of a plurality of layers means for getting at least one object from a data provider; means for rendering an image using the at least one object; and means for coordinating the rendered images to form a final image; wherein each layer of the plurality of layers is independent of each other (figure 1)

Regarding claim 18, it is rejected based upon similar rational as above claim 1. Singh discloses a computer-readable medium having stored thereon instructions to cause a computer to execute a web- based method for generating an image of moving and static objects in positional relationship to other objects (figure 8)

Regarding claims 19-34, they are rejected based upon similar rational as above claims 1-16. Singh discloses a web-based system for generating an image of moving and static objects in positional relationship to other objects, comprising: a plurality of layers and a layers manager, communicatively coupled to each of the plurality of layers, (figures 1 and 9)

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-3, 14, 16, 20-21, 32 and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over Singh as applied to claims 1 and 19 above, and further in view of Smith, Sr. et al., U.S. Patent Number 5,268,698.

Regarding claim 2, However it is noted that Singh fails to disclose wherein the moving objects includes aircraft, emergency vehicles, accident locations and law enforcement vehicles.

Smith discloses monitoring and locating objects such as airplanes and other vehicles on runways or other areas. Smith further discloses moving objects such as aircraft, vehicle, person or other object, col. 7, lines 57-67.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the web based map creating system using layers as disclosed by Singh, the moving objects including aircraft and other vehicles as disclosed by Smith, to allow for monitoring of airport or other areas to be monitored via the web for accessing a wider viewing and monitoring system to greatly improve safety at airports and other areas.

Regarding claim 3, However, it is noted that Singh fails to disclose wherein the plurality of layers includes an aircraft layer, a weather layer and emergency data layer.

Smith discloses monitoring areas of concern such as airports and locating stationary and moving objects including weather conditions and visual alarms to prevent accidents, col. 4, lines 13-36.

Regarding claim 14, However, it is noted that Singh fails to disclose wherein one of the plurality of layers includes an emergency data layer.

Smith discloses monitoring areas of concern such as airports and locating stationary and moving objects including weather conditions and visual alarms to prevent accidents, col. 4, lines 13-36.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the layer data disclosed by Singh, a visual alarm as disclosed by Smith, to convey to a user any accident information on the monitoring system.

Regarding claim 16, However, it is noted that Singh fails to disclose wherein the tag includes emergency data.

Smith discloses monitoring areas of concern such as airports and locating stationary and moving objects including weather conditions and visual alarms to prevent accidents, col. 4, lines 13-36.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the name information disclosed by Singh, a visual alarm as disclosed by Smith, to convey to a user any accident information on the monitoring system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M GOOD JOHNSON whose telephone number is (571)272-7658. The examiner can normally be reached on Monday-Friday 8-4:30 pm.



If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on (571) 272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Motilewa Good-Johnson  
Primary Examiner  
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